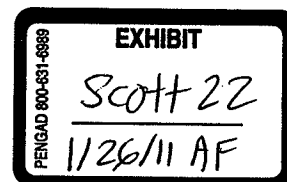


From: Berlamino, Betty Ellen
Sent: Friday, April 24, 2009 8:28 AM
To: Scott, Karen
Subject: late news last night

Delivered a 0.4 in A25-54. At the market CPP, we can sell spots for \$400 (half of what we can get for Jerry Springer). Conversely, with the SAME lead-in, KTLA delivered a 1.5 and WGN delivered a 2.8



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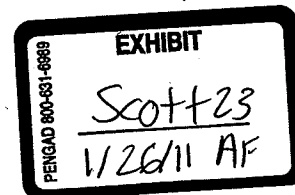
WPIX000232

From: Berlamino, Betty Ellen
 Sent: Wednesday, July 08, 2009 9:01 AM
 To: Scott, Karen; Houseman, John; Growick, Amy; Surratt, Wil
 Subject: growing NEWS, both morning and night.....

This the NUMBER ONE PRIORITY....if morning news grows....late news grows....if we get more (local) people to go to our web-site, our Twitter and/or our FB site, we grow news....they ALL need to work together in order to achieve ultimate success! With that in mind, I would like to know who is contributing towards growing our products.....please let me know who is doing what (put an X next to all the things everyone is doing)....

	Blogging	writing for the web-site	Facebook	Twitter
Jim Watkins	X			
Kaity Tong	X			
Mr. G				
DAILY WEATHER HIT POSTED AT 5PM, MORE ON BIG WEATHER				
DAYS (SNOWSTORMS ETC)				
Lolita Lopez	X			
Tiffany McElroy				
Jill Nicolini				X
Emily Francis				
Sukanya Kristnan	X			
Craig Treadway				
John Muller				
Dr. Steve Salvatore				
Mary Murphy				
Peter Thorne				
Arthur Chi'en				
Chris Gloriosos				
Tamsen Fadal				
James Ford				
Larry Hoff				
Linda Church				
Rob Hoell				
Lisa Mateo				
Marvin Scott				
Howard Thompson		X plus Tip of the Day for Main Page		

Note: Effective with our restructure of the web team in mid-June, reporters no longer file web versions of their scripts except on major exclusives. Content is written by web team in a more timely fashion so it can be pitched out.

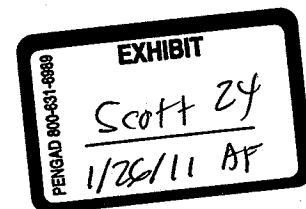


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WPIX000254

From: Berlamino, Betty Ellen
Sent: Tuesday, August 04, 2009 4:55 PM
To: Scott, Karen
Subject: Situation In Morning news

Karen, you have an obvious "situation" developing in your department between Amy and Emily which you will need to get a handle on. I'm sure that both sides have "merit" in their concerns and now it's time for you to step in and take control of the situation. I would suggest that you consider adjusting your hours so that you can witness first-hand what is going on down there. We are basically delivering a 0.4 demo rating, so the lack of professionalism needs to cease immediately and you will need to unite the troops down there in a true team effort to improve the show and bring in more viewers. If there are problems with Emily, you will need to write her up. The drama that is developing within your department is not conducive to the task at hand, which is growing and developing the show so that we get "out of the basement."



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WPIX000317

From: Scott, Karen
Sent: Tuesday, August 04, 2009 10:55 AM
To: Berlamino, Betty Ellen
Subject: RE: Morning news ratings

Will do k.

From: Berlamino, Betty Ellen
Sent: Tuesday, August 04, 2009 9:59 AM
To: Scott, Karen
Subject: RE: Morning news ratings

I would like your full analysis and your strategic vision on your plans moving forward. I would like this by the end of the week.

From: Scott, Karen
Sent: Tuesday, August 04, 2009 9:58 AM
To: Berlamino, Betty Ellen
Subject: RE: Morning news ratings

We will look at everything we do on the show... and make changes where we can..k.

From: Berlamino, Betty Ellen
Sent: Tuesday, August 04, 2009 8:35 AM
To: Scott, Karen
Subject: Morning news ratings

We are now at a point where we can barely sell our spots.

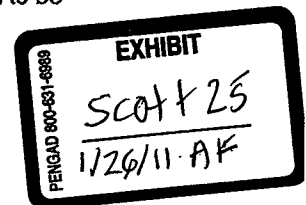
The A25-54 ratings were as follows (in July):

430-5am: 0.4
5-6am: 0.4
6-7am: 0.3
7-8am: 0.4
8-9am: 0.4

We are now in last place amongst our competitors and we have lost viewers in the 6-7am, 7-8am and 8-9am hours...I thought last year was going to be our rock-bottom year, but unfortunately, it continues to get worse.

You need to do a thorough analysis of every segment, ever reporter, ever writer and every producer and ask yourself if we have the best people in place to move us forward. You need to analyze our presence on Facebook, Twitter and on-line to make sure that we are in every space and touching every viewer at all media touch points.

Please let me know when you've completed your analysis and when you've formulated your strategy on how you'd like to move forward. These numbers are unacceptable and need to be turned around immediately.



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WPIX000291



MORNING NEWS- SOLUTIONS

- On-Air Talent

Tiffany McElroy leaves August 14, 2009. Jackie Hyland replaces- she will do the 4:30-6am shift and anchor with Suki on the 8-9am hour. This is a temporary fix and if it works out and we like what she is doing she has the slot.

Dr. Steve- make him the 4:30-6am anchor with Jackie. He will also continue to do all the doctor segments on the Morning News.

Craig Treadway- move him out of the 4-6am anchor chair. Have him be the breaking news guy on the flash cam throughout the 4 1/2 hours of the Morning Show.

Larry Hoff- his contract expires 12/31/09. Let him go now and pay his contract out. That gives us an extra crew to use for breaking news whether we keep Craig in house or he goes out with a crew. Also gives us a crew to do traffic, weather, and entertainment live shots.

Suki Krishnan and John Muller remain as the 6-8am anchors. Suki also anchors the 8-9am hour with Jackie. John continues to do a hard news package that runs several times.

Jill Nicolini- Traffic reporter does the 4:30am and 5-6am hits on entertainment. Jill is an excellent interviewer- engages the guest, is a good listener- that makes a great interview. She does her homework on all the guests and makes them feel comfortable. If or when Emily Frances leaves Jill would be an excellent candidate for the job.

AM Reporters- James Ford- strong reporter
Tamsen Fadal- solid reporter (back-up anchor)

Lisa Mateo (Utility Player)- Feature reporter, back-up traffic reporter and back-up weather anchor.

Producers- Shake shows up with the producers

- Jen Rose goes from 8-9hr to 4:30-6am
- Bret Callahan goes from 4:30-6am to 6-8am (4:30-6am continues to maintain its numbers. We feel bringing Bret to 6-8am can pop the numbers there.)

CNN - Endo



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WPIX000292

- Nicole Clarity goes from 6-8am to 8-9am (Nicole is best at breaking news which happens later in the show.)

- Segments- New

Upgrade PIX Plaza segments (Larry crew will help here)

Giveaways: Let's get Jill in a PIX van with a camera and driver. Drive through the 5 boroughs- promo it- on-air "Money Mondays"- ride through boros- see people and give them \$100- take \$1,000 and give out 10 \$100 bills. Jill does traffic hit in boro/ back-up Lisa Mateo.

Land On Me- Would like to resurrect it with Jill or Lisa

- Segments

Monday's Wakeup Workout- We've run our course with this- I would like to kill it- but it is sponsored by Dunkin' Donuts.

On-line chat room with Dr. Steve- People go on-line in real time and ask a question and get answers.

On-line forum with big celebrities- have them stay for and an hour and do a chat room with our viewers- that pulls together all the on-line channels we have- promote on facebook and twitter and run on-line chat through WPIX website.

Adopt-A-Pet- 7:55am -- open up the fence area to interact more animals- Also have a on-line web page that we can connect with the shelters to pick out photos of pets and help them get homes.

PIX Day in History- Your PIX

AM Show stream on-line live why not us???

- WGN & KTLA both stream all hours. That will get us more viewers.

MONDAY

4:40 HELP ME HOWARD

4:55 ENT NEWS.

5:20 FIT FOR LIFE

5:25 SPORTS STUFF

5:40 BLOOMBERG BUSINESS NEWS

5:45 ENTERTAINMENT NEWS
5:50 KURT THE CYBER GUY
6:15 MONEY MATTERS
6:20 FIT FOR LIFE
6:25 SPORTS STUFF
6:40 MONEY MATTERS
6:45 ENTERTAINMENT NEWS OR LIVE GUEST
6:50 FEATURE SEGMENT
7:08 FIT FOR LIFE
7:15 WAKEUP WORKOUT
7:25 BUSINESS NEWS
7:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:08 ASK THE DOCTOR
8:15 FEATURE OR LIVE GUEST
8:25 MONEY MATTERS
8:45 KURT THE CYBER GUY
8:47 ENTERTAINMENT NEWS OR LIVE GUEST
8:50 CHAT ROOM

TUESDAY

4:40 HELP ME HOWARD
4:55 ENT NEWS
5:20 FIT FOR LIFE
5:25 SPORTS STUFF
5:40 BLOOMBERG BUSINESS NEWS
5:45 ENTERTAINMENT NEWS
6:15 MONEY MATTERS
6:20 FIT FOR LIFE
6:25 SPORTS STUFF
6:40 MONEY MATTERS
6:45 ENTERTAINMENT NEWS OR LIVE GUEST
6:50 FEATURE
7:08 FIT FOR LIFE
7:15 LIVE GUEST OR FEATURE SEGMENT
7:25 MONEY MATTERS
7:45 ENTERTAINMENT NEWS OR LIVE GUEST
7:55 ADOPT-A-PET LIVE
8:08 FIT FOR LIFE
8:15 LIVE GUEST OR FEATURE
8:25 MONEY MATTERS
8:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:50 CHAT ROOM

CONFIDENTIAL

WPIX000294

WEDNESDAY

4:40 HELP ME HOWARD
4:55 ENT NEWS
5:20 FIT FOR LIFE
5:25 SPORTS STUFF
5:40 BLOOMBERG BUSINESS NEWS
5:45 ENTERTAINMENT NEWS
6:15 MONEY MATTERS
6:20 FIT-FOR-LIFE
6:25 SPORTS STUFF
6:40 MONEY MATTERS
6:45 ENTERTAINMENT NEWS OR LIVE GUEST
6:50 FEATURE SEGMENT
7:08 FIT FOR LIFE
7:15 GUEST SEGMENT OR ENT
7:20 FIT FOR LIFE
7:25 MONEY MATTERS
7:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:08 ASK THE DOCTOR
8:15 LIVE GUEST OR FEATURE
8:25 MONEY MATTERS
8:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:50 CHAT ROOM

THURSDAY

4:40 HELP ME HOWARD
4:55 ENT NEWS
5:20 FIT FOR LIFE
5:25 SPORTS STUFF
5:40 BLOOMBERG BUSINESS NEWS
5:45 ENTERTAINMENT NEWS
6:15 MONEY MATTERS
6:20 FIT FOR LIFE
6:25 SPORTS STUFF
6:40 MONEY MATTERS
6:45 ENTERTAINMENT NEWS OR LIVE GUEST
6:50 FEATURE SEGMENT
7:08 FIT FOR LIFE
7:15 ENT GUEST OR SEGMENT OR LISA PKG
7:25 MONEY MATTERS
7:45 ENTERTAINMENT NEWS OR LIVE GUEST

CONFIDENTIAL

WPIX000295

8:08 FIT FOR LIFE
8:15 GUEST OR FEATURE SEGMENT
8:25 MONEY MATTERS
8:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:50 CHAT ROOM

FRIDAY

4:40 HELP ME HOWARD
4:55 ENT NEWS
5:20 FIT FOR
5:25 SPORTS STUFF
5:40 BLOOMBERG BUSINESS NEWS
5:45 ENTERTAINMENT NEWS
6:15 MONEY MATTERS
6:20 FIT-FOR-LIFE
6:25 SPORTS STUFF
6:40 MONEY MATTERS
6:45 ENTERTAINMENT NEWS OR LIVE GUEST
6:50 FEATURE SEGMENT
7:08 FIT FOR LIFE
7:15 FEATURE SEGMENT OR ENT GUEST
7:25 MONEY MATTERS
7:45 ENTERTAINMENT NEWS OR LIVE GUEST
7:50 FREE FRIDAY
8:08 ASK THE DOCTOR
8:15 FEATURE OR ENT GUEST
8:45 ENTERTAINMENT NEWS OR LIVE GUEST
8:50 CHAT ROOM

- Website:

Morning News Blog is updated throughout the morning as the show is airing. Topical daily poll, photo galleries, links, video and written content provided by Shelley Ng. PIX Day in History vintage videos and "11 Cool Things That Happened Today" posted each morning by 5am. Help Me Howard Tip of the Day on main page and HMH blog posted each morning by 5am. Home page news stories written and updated with video as it becomes available throughout the morning. Pitches to CNN.com: Shelley handles pitches until Andrew Ramos arrives at 10am.

Facebook: Breaking News and feature topics promoted through status updates by Adam Welikson and Shelley Ng (push to on-air with links back to wpix.com when available.) Average: 3-5 stories per day. Recently began adding photo postings as well (behind the scenes taken by Shelley and field photos taken by reporters and photogs.)



U.S. Equal Employment Opportunity Commission
New York District Office

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 335-3620
TDD: 1-800-669-6820
FAX (212) 335-3625
1-800-669-4000

Respondent: WPIX, INC.
EEOC Charge No.: 520-2010-01103
FEPA Charge No.:

Karen Scott
216 East 68th Street
Apt. 18-X
New York, NY 10065

February 8, 2010

Dear Ms. Scott:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☐ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☒ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)
- ☐ The Genetic Information Nondiscrimination Act (GINA)

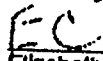
You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

- (X) Please be aware that we will send a copy of the charge to the agency listed below as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

New York State Division Of Human Rights
Federal Contract Unit
One Fordham Plaza, 4 Fl.
Bronx, NY 10458

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

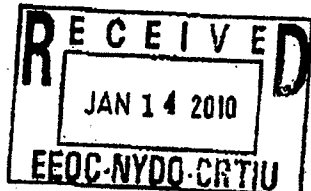
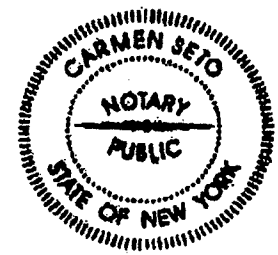

Elizabeth Cadle
ADR Enforcement Manager
(212) 336-3646

Office Hours: Monday - Friday, 9:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s)

cc: Kenneth J. Rubinstein
HAYNES AND BOONE, LLP
1221 Avenue of the Americas, 25th Floor
New York, NY 10020



CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	520.2010.01103
New York State Division of Human Rights and EEOC (State or Local Agency, if Any)			
NAME (Include Mr., Mrs., or Ms.) Ms. Karen Scott		HOME TELEPHONE NUMBER (Include Area Code) (917) 952-2765	
STREET ADDRESS 215 East 68th Street, Apt. 18X, New York, New York 10065-5727		CITY, STATE AND ZIP CODE	DATE OF BIRTH 07/03/1949
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below).			
NAME WPX, Inc.	NO. OF EMPLOYEES/MEMBERS 400+	TELEPHONE NUMBER (Include Area Code) (212) 949-1100	
STREET ADDRESS 220 East 42nd Street, New York, New York 10017	CITY, STATE AND ZIP CODE	COUNTY New York	
NAME	NO. OF EMPLOYEES/MEMBERS	TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS	CITY, STATE AND ZIP CODE		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify) State Law		EARLIEST LATEST August 2009	
THE PARTICULARS ARE (If additional space is needed, attached a separate sheet(s))		<input type="checkbox"/> CONTINUING ACTION	
Please see narrative attached as Exhibit A.			
<div style="text-align: center;">  </div>			
		Carmen Seto (Signature) CARMEN SETO NOTARY PUBLIC-STATE OF NEW YORK No. 01856081621 Qualified in Queens County My Commission Expires October 07, 2010	
I want this charge filed with the EEOC and the State FEPA. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary to meet State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date		SIGNATURE OF COMPLAINANT Karen Scott	
Charging Party (Signature)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: (Month, day and year) 1/13/10	

THIS FORM PROVIDED FREE OF CHARGE BY WWW.EEOC.OFFICE.COM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

KAREN M. SCOTT,

Complainant,

-against-

WPIX, INC.,

Respondent.

Preliminary Statement

This matter involves the unlawful discrimination on the basis of age by WPIX, Inc. ("WPIX" or the "Company"). Karen Scott (60 years old), one of the most decorated women in television news, was wrongfully terminated as the news director of WPIX (Channel 11 in the New York Metropolitan area) due to her age.

After 13 noteworthy years as news director, Ms. Scott was terminated in late August 2009. The purported reason provided for the termination was declining ratings, however, as described below, the true motivating factor for the termination was Ms. Scott's age.

As a result of the Company's actions, the Company is liable to Ms. Scott for damages which have resulted from their unlawful discriminatory practices.

The Parties

1. Upon information and belief, WPIX, Inc., is a corporation organized under the laws of the State of Delaware with a principal place of business located at 220 East 42nd Street, New York, New York 10017. WPIX is owned by Tribune Broadcasting, a division of the Tribune Company. Upon information and belief, as of September 2009, WPIX had over 400 employees. On or about December 8, 2008, the Tribune Company and each of its affiliated entities, including WPIX, filed a petition for bankruptcy relief under Chapter 11 of Title 11 of

the United States Code in the United States Bankruptcy Court, District of Delaware. The bankruptcy proceeding remains pending.

2. Ms. Scott is one of the most respected and decorated newsmen in the United States. She worked for over 35 years in television news and, as more fully described below, received numerous national and local awards during her stellar career.

Ms. Scott's Employment History and Achievements

3. Ms. Scott received a Bachelor of Arts degree in journalism from Ohio State University in 1971. Following graduation, Ms. Scott began her career in broadcast journalism for television stations in Detroit where she worked for approximately six years.

4. Following a four year stint as producer for the 6:00 p.m. and 11:00 p.m. news at the CBS affiliate in Hartford, Connecticut, Ms. Scott was hired by WNBC-TV in New York in 1983. After beginning as a freelance writer, Ms. Scott was promoted to weekend news producer for the 6:00 p.m. and 11:00 p.m. broadcasts. Shortly thereafter, Ms. Scott was again promoted to become producer for the 6:00 p.m. news and executive producer for special projects. During her 10-year career at WNBC, the station received the Emmy Award for "Best Newscast" for a record-setting five straight years.

5. After WNBC received an Emmy Award for best newscast in 1993, Michael Bigner, General Manager of WPIX, and John Corporon, the News Director for WPIX, offered Ms. Scott a position as the Executive Producer for WPIX news. In May 1993, Ms. Scott accepted the offer and within a year, she was promoted to Assistant News Director. Two years later, Ms. Scott was promoted to News Director of WPIX.

6. During her first year of employment with WPIX, Ms. Scott produced various specials such as the St. Patrick's Day Parade and the Macy's July Fourth Fireworks Show as well

as "Schindler: The Real Story," which received the Gabriel Award (the highest broadcast award given by the Catholic Broadcasters Association) for broadcast excellence.

7. Between 1994 and 1996, WPIX received two New York Emmy Awards and two Edward R. Murrow Awards (one of the most prestigious national broadcast journalism awards), from the Radio-Television News Directors Association for "Best Newscast" and "Best Spot News."

8. As News Director for WPIX, Ms. Scott was responsible for overseeing the entire news organization including: (i) all news coverage; (ii) the budget (in excess of \$10 million); (iii) negotiation of union and personal service contracts; and (iv) general supervision and oversight of over 200 employees. In addition, Ms. Scott was responsible for recruiting and hiring all news personnel, including writers, associate producers, producers, executive producers, managing editors, assistant news directors, anchors, reporters, and freelance staff. Virtually all the current WPIX news on-air personnel, reporters, writers, and producers were hired by Ms. Scott during her tenure, many of whom were lured from other prominent stations by Ms. Scott, which helped elevate WPIX's news profile.

9. During her time as News Director, Ms. Scott changed the face of the news division at WPIX. At the time she began as News Director, WPIX merely had a one hour 10:00 p.m. news program. Ms. Scott was instrumental in creating a morning news show (the "Morning Show"), which airs five days a week for four and a half hours per day and covers news, entertainment, weather, traffic, sports, and includes live guests,¹ and was the driving force behind the formation of news bureaus in Washington, D.C., New Jersey, and Long Island, New York.

10. During her tenure as News Director, WPIX received approximately 100 local and

¹ The Morning Show format developed by Ms. Scott was mimicked by other metropolitan television stations as well as other nationwide stations owned by Tribune.

national news awards -- of which eight were awarded to Ms. Scott individually -- including numerous New York Emmy Awards and Edward R. Murrow Awards. The following is a partial list of awards and recognition received by WPIX during the last five years under Ms. Scott's stewardship:

2009: New York State Associated Press Broadcasters Association: "Best Regularly Scheduled Local News Program," "Best Spot News," "Best Continuing News Coverage"

New York Press Club: "Best Regularly Scheduled Local Newscast"

2008: Edward R. Murrow Award: "Best Newscast"

New York Press Club: "Best Regularly Scheduled Local Newscast"

Congressional Record for Leadership as News Director

2007: New York Emmy Awards: "Outstanding Single Newscast," "Best Spot News," and "Best Breaking News Story"

Associated Press New York State Broadcaster Association Grand Prize Television Award

2005: New York Emmy Awards: "Best Newscast" for the morning *and* evening news, "Outstanding Single Newscast," and "Outstanding Single News Program".

The recognition received during Ms. Scott's term generated a quantum leap for WPIX news reputation and industry-wide standing.

11. In addition, prior to her termination, Ms. Scott was instrumental in creating the format for an evening news program which was launched less than two weeks after her departure.

12. At the time of Ms. Scott's termination, WPIX was producing approximately 30 hours of news each week and had been the recipient of various awards for excellence in reporting, news coverage, public affairs, news specials, and features.

13. Ms. Scott's achievements were also recognized in various other ways. For

example, following WPIX's coverage of September 11, 2001, the Television Quarterly (Journal of the National Academy of Television Arts and Sciences) requested that Ms. Scott write about her experience, which became the cover story for that national publication. In addition, Ms. Scott was the only news director who was asked to testify in front of the Federal Communications Commission concerning the media coverage of September 11.

14. Ms. Scott was able to bring the WPIX news division to new heights despite facing significantly greater obstacles than competing local news stations. As compared to its peers, WPIX had far less resources and staff at its disposal. Furthermore, despite the numerous awards and recognition the news division received, WPIX promotional efforts for the news was minimal and, at times, non-existent. Of great significance, the lead-in programming for the news was substantially inferior to other New York stations, and WPIX news had fewer reporters, fewer trucks for live shots, less camera equipment, and fewer camera operators. Incredibly, Ms. Scott was able to keep the news division afloat despite these shortcomings and despite a mandate to cancel the delivery of newspapers to the newsroom (the core of news producers' and reporters' source material for the news) and the elimination of news bureaus in Washington, D.C., New Jersey, and Long Island. Nonetheless, Ms. Scott continued to excel in her job and WPIX news continued to receive acclaim for its news coverage.

The Termination of Ms. Scott's Employment

15. On August 26, 2009, Betty Ellen Berlamino, the General Manager of WPIX, advised Ms. Scott that her employment was being terminated. Without providing Ms. Scott any additional information, Ms. Berlamino advised Ms. Scott that she was being terminated simply because of "ratings."

16. Ms. Scott responded to Ms. Berlamino by noting that, even with significantly less

resources at her disposal and markedly inferior lead-in shows and promotional efforts than competitor stations, Ms. Scott was able to keep WPIX's news ratings well in line with the performance at other local television stations. Indeed, there was no marked difference in the 2009 ratings for WPIX news as compared to historic numbers. Furthermore, flaws within the "ratings" system (which Ms. Berlamino was aware of), as reflected in lawsuits pending against Nielsen Media Research ("Nielsen") due to inaccuracies in the ratings system Nielsen implemented, contributed to any purported ratings decline.² Ms. Berlamino offered no retort and simply left the room.

17. In an effort to save face in what was sure to be a wildly unpopular decision, Ms. Berlamino asked Ms. Scott to voluntarily resign. In fact, WPIX issued a statement announcing that Ms. Scott had resigned from her position as News Director, although Ms. Scott clearly did not. WPIX provided Ms. Scott with a separation agreement that Ms. Scott refused to execute.

18. Ms. Scott's last day of work at WPIX was September 4, 2009. On her last day in the office, her colleagues presented her with a video tribute and an on-air tribute was also aired.³ In a most telling reflection of her time as News Director, on her last day at WPIX, Ms. Scott received an award from the New York Press Club for the 2009 "Best Regularly Scheduled Local Program."

19. At the time she was terminated, Ms. Scott was the longest running news director of any station in New York City.

20. In November, 2009, William Carey, 51, was hired by WPIX to replace Ms. Scott

² Since the implementation of a "People Meter" several years ago, Nielsen itself has conceded that its ratings have limited accuracy. This change resulted in declining ratings industry-wide and complaints were rampant as declining ratings translated to declining revenues for many stations. WPIX even designated personnel to study this issue.

³ Attached are discs containing the video and on-air tributes.

as News Director. Immediately prior to joining WPIX, Mr. Carey was Vice President and General Manager at a station in Moline, Illinois. His more recent prior experience was at stations in Tampa and Detroit.⁴ Under any objective analysis, Mr. Carey's work experience and background pales in comparison to Ms. Scott.

21. WPIX's actions in terminating Ms. Scott was consistent with its actions in terminating or significantly modifying the roles of other older employees. By way of more recent examples: (i) in 2009, WPIX replaced news reporter Mary Murphy as the weekend news anchor with someone 15 years her junior after Ms. Berlamino commented to Ms. Scott that Ms. Murphy does not have the "young look" that Ms. Berlamino wanted; (ii) in 2009, WPIX demoted Marvin Scott (no relation), a well-known and respected reporter in his early 70s, about whom Ms. Berlamino had frequently remarked over the past decade, "why doesn't he just retire already," from weekday reporting duties to weekend duties (Ms. Scott struggled with Ms. Berlamino over several years in an effort to retain Mr. Scott); (iii) in 2008, WPIX decided not to retain Sal Marchiano, a beloved sports anchor in New York in his 60s, after Ms. Berlamino remarked to Ms. Scott that he "doesn't look good on the air"; (iv) in 2009, WPIX decided not to retain Vanessa Tyler, a new reporter in her early 50s, about whom Ms. Berlamino commented on her older appearance and manner of dress; and (v) WPIX decided not to retain Barry Cunningham, a well-respected news reporter in his early 60s, about whom Ms. Berlamino made critical age-related remarks to Ms. Scott.

Claims and Damages

22. Based on the foregoing, Ms. Scott has claims under Title VII of the Civil Rights

⁴ While employed in Tampa, Mr. Carey made the news headlines himself, after being involved in a hit-and-run accident which resulted in burglary, battery, and hit-and-run charges being filed against him. Mr. Carey was placed on administrative leave following this incident.

Act of 1964, as codified, 42 U.S.C. § 2000 e-2(a) *et seq.*, as amended, against the Company due to age discrimination. As a result, Ms. Scott is entitled to recover monetary damages, including an award for punitive damages due to the egregious nature of the Company's conduct as described herein.

23. At the time she was terminated, Ms. Scott's base salary was approximately \$247,000. Ms. Scott's total annual compensation (including bonus compensation) for the two years prior to her termination was \$351,252 for 2007 and \$323,913 for 2008. This was in addition to benefits she received by virtue of her employment and stature within the Company.

24. Finally, the Company's conduct, as described herein, has caused Ms. Scott to suffer severe mental pain and anguish for which she is entitled to be compensated.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

KAREN SCOTT,

Plaintiff

v.

WPIX, INC.,

Defendant

10 CV 4622

Civil Action No.

JUDGE PAULEY

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* WPIX, INC.
220 East 42nd Street
New York, New York 10017

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

HAYNES AND BOONE, LLP
1221 Avenue of the Americas
26th Floor
New York, NY 10020
(212) 659-7300

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT RUBY J. KRAJICK

Date: 06/14/2010

[Signature]
Signature of Clerk or Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

JUDGE PAULEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CV 4622

KAREN SCOTT,

Plaintiff,

-against-

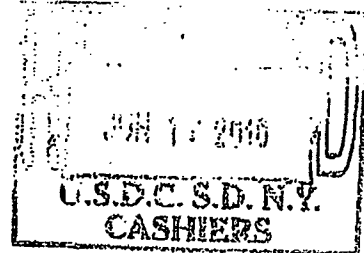
WPIX, INC.,

Defendant.

10 CV _____

COMPLAINT and
JURY DEMAND

ECF Case



Karen Scott, by her attorneys, Haynes and Boone, LLP, for her Complaint against defendant WPIX, Inc. ("WPIX" or the "Company"), alleges as follows:

Nature of Action

1. This action arises out of the unlawful discrimination on the basis of age by WPIX. Karen Scott, one of the most decorated women in television news, was wrongfully terminated as the News Director of WPIX (Channel 11 in the New York Metropolitan area) due to her age. After 13 noteworthy years as News Director, Ms. Scott was terminated in late August 2009. At that time, the purported reason provided for Ms. Scott's termination was "ratings" (a position WPIX has since modified). As described below, however, age was the true motivating factor for terminating Ms. Scott. As a result of its actions, WPIX is liable for age discrimination in employment against Ms. Scott in violation of (a) the Age Discrimination in Employment Act ("ADEA"); (b) the New York City Human Rights Law; and (c) the New York State Human Rights Law, and for damages which have resulted from the Company's unlawful discriminatory practices.

The Parties

2. Karen Scott is an individual who resides in New York, New York. She is currently 60 years old.

3. Upon information and belief, WPIX, Inc., is a corporation organized under the laws of the State of Delaware with a principal place of business located at 220 East 42nd Street, New York, New York 10017. WPIX is owned by Tribune Broadcasting, a division of the Tribune Company. Upon information and belief, as of September 2009, WPIX had over 400 employees. On or about December 8, 2008, the Tribune Company and each of its affiliated entities, including WPIX, filed a petition for bankruptcy relief under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court, District of Delaware. The bankruptcy proceeding remains pending.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1367.

5. Venue is proper in this District under 28 U.S.C. § 1391(a) because a substantial part of the events giving rise to Ms. Scott's claims occurred within this District.

6. Ms. Scott filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") on January 14, 2010. Ninety days have elapsed since Ms. Scott's EEOC filing. Copies of this Complaint are being served upon the EEOC, the New York City Commission on Human Rights, and the Corporation Counsel.

Factual Allegations Relevant to Claims for Relief

7. Ms. Scott was employed by WPIX from May 1993 until her employment was terminated on August 26, 2009. In terminating Ms. Scott's employment, WPIX discriminated against Ms. Scott based on her age.

8. Throughout the course of her employment with WPIX, Ms. Scott was qualified for her position and performed her duties in a professional and competent manner.

Employment History and Achievements

9. Ms. Scott is one of the most respected and decorated newsmen in the United States. For over 35 years, Ms. Scott worked in television news and, as more fully described below, personally received numerous national and local awards, and was largely responsible for the receipt of numerous awards by her employers.

10. Ms. Scott received a Bachelor of Arts degree in journalism from Ohio State University in 1971. Following graduation, Ms. Scott began her career in broadcast journalism for television stations in Detroit where she worked for approximately six years.

11. Following a four year stint as producer for the 6:00 p.m. and 11:00 p.m. news at the CBS affiliate in Hartford, Connecticut, Ms. Scott was hired by WNBC-TV in New York in 1983. After beginning as a freelance writer, Ms. Scott was promoted to weekend news producer for the 6:00 p.m. and 11:00 p.m. news broadcasts. Shortly thereafter, Ms. Scott was again promoted to producer for the 6:00 p.m. news and executive producer for special projects.

12. During Ms. Scott's 10-year career at WNBC, the station received the Emmy Award for "Best Newscast" a record-setting five straight years.

13. After WNBC received an Emmy Award for best newscast in 1993, Michael Eigner, General Manager of WPIX, and John Corporon, the News Director for WPIX, offered Ms. Scott a position as the Executive Producer for WPIX news.

14. In May 1993, Ms. Scott accepted WPIX's offer and within a year, she was promoted to Assistant News Director. During her first year of employment with WPIX, Ms. Scott produced various specials such as the St. Patrick's Day Parade and the Macy's July Fourth Fireworks Show as well as "Schindler: The Real Story," which received the Gabriel Award (the highest broadcast award given by the Catholic Broadcasters Association) for broadcast excellence.

15. Between 1994 and 1996, WPIX received two New York Emmy Awards and two Edward R. Murrow Awards (one of the most prestigious national broadcast journalism awards), from the Radio-Television News Directors Association for "Best Newscast" and "Best Spot News."

16. In 1996, Ms. Scott was promoted to News Director. As News Director, Ms. Scott was responsible for overseeing the entire news organization, including all news coverage, with general supervision and oversight for over 200 employees.

17. In addition, Ms. Scott was responsible for recruiting news related personnel, including writers, associate producers, producers, executive producers, managing editors, assistant news directors, anchors, reporters, and freelance staff. The majority of current WPIX news on-air personnel, reporters, writers, and producers were hired by Ms. Scott during her tenure, many of whom were lured from other prominent stations by Ms. Scott, which helped to elevate WPIX's news profile.

18. Ms. Scott changed the face of the news division at WPIX. At the time she began as News Director, WPIX only had a one hour 10:00 p.m. news program. At the time of Ms. Scott's termination, WPIX was producing approximately 30 hours of news coverage each week.

19. Ms. Scott was instrumental in creating a morning news show (the "Morning Show"), which airs five days a week for four and a half hours per day, and covers news, entertainment, weather, traffic, sports, and includes live guests,¹ and was a driving force behind the formation of WPIX news bureaus in Washington, D.C., New Jersey, and Long Island, New York.

20. During her tenure as News Director, WPIX received over 100 local and national awards for excellence in reporting, news coverage, public affairs, news specials, and features,

¹ The Morning Show format developed by Ms. Scott was used as the template for the creation of morning shows for other nationwide stations owned by Tribune.

including numerous New York Emmy Awards and Edward R. Murrow Awards. The following is a partial list of awards and recognition received by WPIX during the last five years under Ms. Scott's stewardship:

- 2009: New York State Associated Press Broadcasters Association: "Best Regularly Scheduled Local News Program," "Best Spot News," and "Best Continuing News Coverage"
- New York Press Club: "Best Regularly Scheduled Local Newscast"
- 2008: Edward R. Murrow Award: "Best Newscast"
- New York Press Club: "Best Regularly Scheduled Local Newscast"
- Congressional Record for Leadership as News Director
- 2007: New York Emmy Awards: "Outstanding Single Newscast," "Best Spot News," and "Best Breaking News Story"
- Associated Press New York State Broadcaster Association Grand Prize Television Award
- 2005: New York Emmy Awards: "Best Newscast" for the morning *and* evening news, "Outstanding Single Newscast," and "Outstanding Single News Program"

21. In 2009, the New York Chapter of the National Academy of Television Arts and Sciences nominated WPIX for 32 Emmy Awards, more nominations than WCBS, WNBC, WABC, WNYW, and WWOR. The nominations included, Best Morning Newscast, Best Evening Newscast, Best Breaking News, Best Hard News Series, Best Investigative Series, Best Sports Coverage, and Best On Camera Talent.

22. The recognition WPIX news received during Ms. Scott's tenure was a quantum leap for its reputation and industry-wide standing in broadcast news.

23. Ms. Scott's achievements were also recognized in various other ways. For example, following WPIX's coverage of September 11, 2001, the Television Quarterly (Journal of the National Academy of Television Arts and Sciences) requested that Ms. Scott write about her experience, which became the cover story for that national publication. In addition, Ms. Scott was the only news director who was asked to testify before the Federal Communications Commission concerning the media's coverage of September 11.

24. Ms. Scott was able to bring the WPIX news division to new heights despite facing significantly greater hurdles than competing local news stations. As compared to its peers, WPIX had far less resources and staff at its disposal. WPIX news had fewer reporters, fewer trucks for live shots, less camera equipment, and fewer camera operators. Furthermore, despite the numerous awards and recognition the news division received, WPIX's promotional efforts for the news was minimal and, at times, non-existent.

25. Of great significance, and the subject of ongoing discussions, the lead-in programming for WPIX news was substantially inferior to other local stations. By way of example, while WPIX news at 10:00 received numerous awards, the lead-in programming was rarely, if ever, mentioned or recognized in a positive light.

26. In addition, the Tribune's financial condition, which resulted in a bankruptcy filing in December 2008 (which included WPIX), adversely impacted WPIX's ability to operate competitively.

27. In the face of the aforementioned obstacles, Ms. Scott continued to excel in her job and WPIX news continued to receive acclaim for its coverage.

28. During her tenure, Ms. Scott's annual performance reviews and evaluations consistently reflected her stellar performance, significant contributions, and value-added to

WPIX. Indeed, Ms. Scott was never issued a single “corrective notice” with regard to her performance.

The Termination of Ms. Scott’s Employment

29. On August 26, 2009, Betty Ellen Berlamino, then General Manager of WPIX², advised Ms. Scott that her employment was being terminated due to “ratings.” No additional explanation or information was provided by Ms. Berlamino, or by anyone else at WPIX.

30. As General Manager of WPIX, Ms. Berlamino was responsible for programming decisions, promotional efforts, and the station’s budget, and was directly responsible for the ratings. In connection therewith, Ms. Berlamino was charged with providing her staff, including Ms. Scott, with the necessary resources to ensure that programming could be competitively managed. Ms. Scott’s job was to produce the news programming for WPIX, a job she excelled at until the date she was terminated.

31. After being informed of her termination, Ms. Scott reiterated to Ms. Berlamino that, even with significantly less resources at her disposal and markedly inferior lead-in programming and promotional efforts than competitor stations, she was able to keep WPIX’s news ratings at a more than respectable level. Of greater import, when taking into account the dismal lead-in programming (especially as compared to its competitors), the ratings for WPIX news was worthy of praise.³ Ms. Berlamino offered no response and simply left the room.

32. As Ms. Berlamino was keenly aware, flaws within the “ratings” system, as reflected in complaints lodged against Nielsen Media Research (“Nielsen”), contributed to any purported ratings decline. Since the implementation of a “People Meter” several years ago, Nielsen itself conceded that its ratings have limited accuracy. This change resulted in declining

² Upon information and belief, on or about June 8, 2010, Ms. Berlamino was terminated by WPIX.

³ Indeed, during a WPIX staff meeting, Tribune’s Chief Operating Officer remarked on the significance of lead-in programming.

ratings industry-wide and complaints were rampant as declining ratings translated to declining revenues for many stations. WPIX even designated personnel to study this issue and leadership from the major television networks (including Ms. Berlamino) discussed their dissatisfaction with Nielsen and the intent to take action. In its submission to the EEOC, WPIX conceded concerns related to the Nielsen ratings.

33. In an effort to save face for what was sure to be a wildly unpopular decision, Ms. Berlamino asked Ms. Scott to voluntarily resign. Without Ms. Scott's consent, WPIX issued a statement falsely announcing that Ms. Scott had resigned from her position as News Director, although Ms. Scott clearly did not.

34. WPIX personnel were reportedly "stunned" by the decision to terminate Ms. Scott. One employee reportedly commented that: "Everyone who knows [Scott], knows she never would have resigned." Numerous employees actually cried after being informed of Ms. Scott's termination.⁴

35. Ms. Scott's last day of work at WPIX was September 4, 2009. At the time she was terminated, Ms. Scott was the longest running news director at any station in New York City.

36. On Ms. Scott's last day in the office, her colleagues presented her with a video tribute and an on-air tribute was aired. In the videos, WPIX staff praised Ms. Scott's leadership, people skills, and overall expertise as a news director. In a most telling reflection of her time as News Director, on her last day at WPIX, Ms. Scott received an award from the New York Press Club for the 2009 "Best Regularly Scheduled Local Program."

37. WPIX provided Ms. Scott with a separation agreement that Ms. Scott refused to execute.

⁴ These reported reactions, as well as on-air and off-air video tributes to Ms. Scott, directly contradict WPIX's claim that a reason underlying the decision to terminate Ms. Scott was her inability to "demonstrate leadership."

38. After her termination, Ms. Scott timely filed a Charge of Discrimination with the EEOC alleging age discrimination. WPIX apparently realized the weakness of its stated "ratings" motivated termination, as in its submission to the EEOC -- and in direct contradiction of its public statements regarding Ms. Scott's termination -- WPIX shifted course and alleged "performance" was the basis for Ms. Scott's termination.⁵

39. As purported support for its new contention, WPIX mainly relies on select e-mails from 2004 and 2005, although it failed to offer any explanation as to why Ms. Scott was neither terminated nor ever issued any corrective action notice as a result of the purported performance issues in 2004-2005.⁶

40. WPIX's actions in terminating Ms. Scott was consistent with its actions in terminating or significantly modifying the roles of other older employees as well as with Ms. Berlamino's age-based commentary. By way of more recent examples: (i) in 2009, WPIX demoted Marvin Scott (no relation), 72, a well-known and respected reporter, from weekday to weekend reporting duties, about whom Ms. Berlamino had frequently made age-related remarks including "why doesn't he just retire already?" (Ms. Scott struggled with Ms. Berlamino over several years in an effort to retain Mr. Scott in his customary position); (ii) in 2009, WPIX directed Kaity Tong, 59, and an anchor of WPIX news since 1991, to undertake certain additional tasks and responsibilities, which differed from other anchors and reporters, as part of a

⁵ Interestingly, WPIX appears to concede the unreliability of its manufactured "performance" motivated reasoning for the termination as it included a footnote disclaimer within its EEOC submission, that its submission does "not constitute an affidavit and is not intended for use as evidence in any court proceeding."

⁶ As evidence of the alleged "performance" issues, WPIX claims that Ms. Scott failed "to manage and evaluate her staff" and "discipline her direct reports." Ironically, as purported support, WPIX relies on e-mails from Ms. Berlamino which specifically advised Ms. Scott to "issue corrective action to her subordinates" and address issues in performance reviews. Although Ms. Berlamino clearly understood the importance of performance reviews and corrective actions, she apparently never felt that Ms. Scott's performance warranted any corrective action. Around the same dates as the e-mails WPIX included in its EEOC submission as purported support for Ms. Scott's "performance" issues, is an e-mail from Ms. Berlamino to "WPIX *everyone*" in which she gave a "special thanks" to Ms. Scott for her "leadership" and "commitment to excellence."

concerted effort aimed at forcing her departure from WPIX; (iii) in December 2008, WPIX decided not to retain Sal Marchiano, 68, a beloved sports anchor in New York, after Ms. Berlamino remarked to Ms. Scott that he “doesn’t look good on the air” due to his advanced age⁷; and (iv) in 2009, WPIX decided not to retain Larry Hoff, 58, a feature reporter, about whom Ms. Berlamino made age-related comments, despite positive feedback received about Mr. Hoff through a consultant retained by the Company.

Ms. Scott’s Replacement

41. In November, 2009, William Carey (approximately 10 years Ms. Scott’s junior), was hired by WPIX to replace Ms. Scott as News Director. Immediately prior to joining WPIX, Mr. Carey was employed with a station in Moline, Illinois, and prior to that, he worked at local stations in Tampa and Detroit.⁸ Under any objective analysis, Mr. Carey’s work experience and background paled in comparison to Ms. Scott.⁹

Damages

42. At the time she was terminated, Ms. Scott’s annual base salary was approximately \$247,000. Ms. Scott’s annual compensation (including bonus compensation) for the two years prior to her termination exceeded \$300,000. In addition, Ms. Scott received substantial benefits by virtue of her employment and stature within the Company.

43. In addition, WPIX’s conduct, as described herein, has caused Ms. Scott to suffer severe mental pain and anguish for which she is entitled to be compensated.

⁷ Similar to Ms. Scott’s termination, WPIX apparently announced that Mr. Marchiano voluntarily resigned when in fact he did not.

⁸ While employed in Tampa, Mr. Carey made the news headlines himself, after being involved in a hit-and-run accident which resulted in burglary, battery, and hit-and-run charges being filed against him. Mr. Carey was placed on administrative leave by his employer following this incident. Since becoming News Director at WPIX, Mr. Carey has been in the local headlines as well as a result of his retention of various personnel with checkered pasts. (There have been no less than four people hired in the five months since Carey assumed the position of News Director that have had prior encounters with the law, including a recent incident in which a reporter hired by Carey was arrested for assaulting a driver to the United Nations ambassador from Bermuda.)

⁹ Upon information and belief, the ratings for WPIX news have declined since Ms. Scott’s termination.

First Claim for Relief: Age Discrimination Under the ADEA

44. Ms. Scott repeats the allegations contained in paragraphs 1 through 43 above.
45. At all relevant times, Ms. Scott was an "employee" under the ADEA, 29 U.S.C. § 630(f).
46. WPIX is an "employer" under the ADEA, 29 U.S.C. § 630(b).
47. As detailed above, WPIX has unlawfully discriminated against Ms. Scott on the basis of her age in violation of the ADEA.
48. By the reason of the foregoing, Ms. Scott suffered substantial damages. Accordingly, WPIX is liable to Ms. Scott for back pay and reinstatement and/or front pay, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees.
49. WPIX's conduct was willful, entitling Ms. Scott to liquidated damages pursuant to 29 U.S.C. § 626(b).

Second Claim for Relief: Age Discrimination in Violation of the New York City Human Rights Law

50. Ms. Scott repeats the allegations contained in paragraphs 1 through 49 above.
51. Ms. Scott is a "person" under § 8-102(1) of the New York City Administrative Code.
52. WPIX is an "employer" subject to the provisions of the New York City Human Rights Law under § 8-102(5) of the Administrative Code.
53. As detailed above, WPIX has intentionally discriminated against Ms. Scott on the basis of her age in violation of the New York City Human Rights Law.
54. As a result of the discrimination described above, Ms. Scott has suffered substantial damages. Accordingly, WPIX is liable to Ms. Scott for back pay and reinstatement and/or front pay and compensatory damages, including those resulting from Ms. Scott's

emotional distress and mental anguish, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees.

53. Based on the foregoing, Ms. Scott is also entitled to an award for punitive damages.

**Third Claim for Relief: Age Discrimination in Violation
of the New York State Human Rights Law**

54. Ms. Scott repeats the allegations contained in paragraphs 1 through 53 above.

55. At all relevant times, Ms. Scott has been an "employee" for purposes of § 296 of the New York State Human Rights Law.

56. WPIX is an "employer" for purposes of § 292 of the New York State Human Rights Law.

57. As detailed above, WPIX has unlawfully discriminated against Ms. Scott on the basis of her age in violation of § 296 of the New York State Human Rights Law.

58. As a result of the discrimination above, Ms. Scott has suffered substantial damages. Accordingly, WPIX is liable to Ms. Scott for back pay and reinstatement/front pay and compensatory damages, including those resulting from Ms. Scott's emotional distress and mental anguish, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees.

WHEREFORE, Ms. Scott respectfully requests that this Court enter judgment in her favor and against WPIX, as follows:

(A) On the First Claim for Relief for violation of the ADEA, for back pay and reinstatement and/or front pay, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees, and an award for liquidated damages;

(B) On the Second Claim for Relief for violation of the New York City Human Rights Law, for back pay and reinstatement and/or front pay and compensatory damages, including those resulting from Ms. Scott's emotional distress and mental anguish, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees, as well as an award for punitive damages;

(C) On the Third Claim for Relief for violation of the New York State Human Rights Law, for back pay and reinstatement and/or front pay and compensatory damages, including those resulting from Ms. Scott's emotional distress and mental anguish, in amounts to be determined at trial, but in no event less than \$1,500,000, plus interest, fees and costs, including an award for attorneys' fees; and

(D) For such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims and issues triable by a jury.

Dated: June 14, 2010

HAYNES AND BOONE, LLP
Attorneys for Plaintiff

By: 

Kenneth J. Rubinstein (KR-1410)
1221 Avenue of the Americas, 26th Floor
New York, New York 10020
(212) 659-7300



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622
General FAX (212) 336-3625

Ms. Karen Scott
215 East 68th Street -- Apt. 18X
New York, NY 10065-5727

Re: Karen Scott v. WPIX, Inc.
EEOC Charge No. 520-2010-01103

Dear Ms. Scott:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce. In accordance with these procedures, we have evaluated your charge based upon the information and evidence submitted by all parties.

You allege that you were discriminated against by WPIX, Inc. (herein referred to as "Respondent") based on your age, in violation of the Age Discrimination in Employment Act of 1967, as amended. Specifically you allege that the Respondent terminated your employment because of your age and then hired a much younger and less experienced individual who replaced you. You claim that Betty Ellen Berlamino, General Manager, repeatedly made age-related remarks about potential candidates for future positions. You allege that despite the lack of resources provided to you by Respondent, the ratings still remained relatively consistent and did not decrease significantly.

Respondent denies discriminating against you and contends that your employment was terminated due to your poor work performance. Respondent provided documentary evidence, which includes a list of emails, memos and ratings records displaying that it had repeatedly warned you about improving the ratings. The record also shows that Respondent's rating decreased. Respondent maintains that you were provided with due warnings and Ms. Berlamino did inform you that if the ratings did not increase, your job would be in jeopardy. Respondent denies that Ms. Berlamino made any age discriminatory comments about any current, former or potential employees. Respondent states that your replacements work experience is exemplary, and has succeeded in boosting its ratings. Respondent states that, of its 22 full time reporters, over 50% are over the age of 40.

Based upon an analysis of the information submitted to us, the Commission is unable to conclude that the information establishes violation of federal law on the part of the Respondent. There is

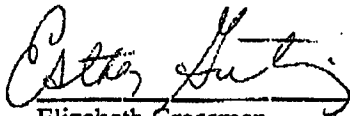


insufficient evidence to indicate that Respondent treated you differently due to your disability. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

Your Notice of Dismissal and Right to Sue is included with this letter. If you wish to pursue this matter on your own, you may file a lawsuit against the Respondent named in your charge within 90 days of your receipt of said notice.

Please contact Investigator Esther Gutierrez at (212)-336-3756 if you have any questions regarding this matter.

Sincerely,

 for
Elizabeth Grossman
Acting District Director

Date: 01/07/2011

cc: Carmen A. Bauman, Esq.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Karen Scott
215 East 68th Street
Apt. 18-X
New York, NY 10065

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2010-01103

Esther Gutierrez,
Investigator

(212) 336-3756

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

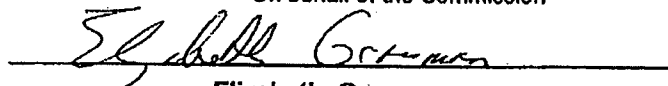
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Elizabeth Grossman,
Acting District Director

01/07/2011

(Date Mailed)

Enclosures(s)

cc: WPIX, INC.
220 E 42nd St, Suite 400
Director, Human Resources
New York, NY 10017

Carment A. Bauman, Esq.
Haynes and Boone LLP
1221 Avenue of the Americas, 26th Floor
New York, NY 10020

Alissa L. Jubelirer
Tribune Company
435 North Michigan Avenue
Chicago, IL 60611

Enclosures(s)

cc:

Enclosure with EEOC
Form 161 (11/09)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

From: Berlamino, Betty Ellen
Sent: Monday, August 31, 2009 12:51 PM
To: Scott, Karen
Subject: how is this?

After 16 years at WPIX, Karen has resigned her position as News Director. She has been a hard-working, loyal employee and someone I've been very proud to not only call my colleague, but also my friend. Karen brought us through many transitions here at WPIX...from WPIX News to WB11 News to CW11 News to PIX News....these transitions include the launch of the Morning News, the transition to HD, as well as the many studios, sets, helicopters and graphics changes through the years. When she started, the station was doing seven hours of news a week and her departure will find us at 33 hours per week when we launch our early news on September 14.

Her contribution has been invaluable and she will be missed as both a colleague and a friend. Her last day will be Friday, September 4. Please join me in wishing her the best as she moves on to the next chapter of her life...



CONFIDENTIAL

WPIX000339

From: Berlamino, Betty Ellen
Sent: Monday, August 31, 2009 2:32 PM
To: zzWPIX.Everyone
Subject: Changes and transitions...

After 16 years at WPIX, Karen has resigned her position as News Director. She has been a hard-working, loyal employee and someone I've been very proud to not only call my colleague, but also my friend. Karen brought us through many transitions here at WPIX...from WPIX News to WB11 News to CW11 News to PIX News....these transitions include the launch of the Morning News, the transition to HD, as well as the many studios, sets, helicopters and graphics changes through the years. When she started, the station was doing seven hours of news a week and her departure will find us at 33 hours per week when we launch our early news on September 14.

Her contribution has been invaluable and she will be missed as both a colleague and a friend. Her last day will be Friday, September 4. Please join me in wishing her the best as she moves on to the next chapter of her life...



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WPIX000002